## UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

AUG 2 3 2006

TENT AND TRADEMARK OFFICE Parte FRANK RUI-FENG CHU, NOBORU KAMIJO, and OF PATENT APPEALS and DENNY DIJANLIED TANKS

Application 09/768,829

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on August 1, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On July 22, 2005, the Board mailed an Order Returning Undocketed Appeal wherein the Board stated that it was not clear from the record as to whether or not the examiner had considered the Information Disclosure Statements (IDS') filed on December 8, 2004 and May 9, 2005. In a

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communication mailed August 26, 2005, the examiner indicates that the IDS filed on May 9, 2005 had been considered and provided a completed PTO Form 1449. However, it is still unclear on the record as to the status of the IDS filed on December 8, 2004.

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the IDS filed on December 8, 2004, written notification to appellants of such consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

DALE M. SHAW

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DMS:clm